

*A Letter to a Citizen of LONDON, from his
Friend in the Country. To which is added,
An Abstract of Mr. PAPILLON's Trial.*

S I R, *Octob. 21st, 1707.*

YOU having formerly very *severely*, but yet *justly*, blam'd US in the Country for our too great Remissness, in the Choice of our Members of Parliament: I hope therefore you will excuse my Plainness, if I tell you, that tho' the Citizens of London are invested with many valuable Priviledges beyond what We in the Country can lay Claim too; yet They have *none* that exempts them from the just Censure of all wise Observers, if they should be guilty of that Fault so often charged upon us.

To avoid which, I hope you will wisely consider the Qualifications of all such as are, or may be offer'd to your Choice, in the approaching Election: And if there shall appear to be any, that have been *Tools* to Oppress their Fellow-Citizens in former Reigns, by *Unjust Vendits* of Ten Thousand Pounds Damage, when not one Groat appear'd: Or, that have made *false* Returns (when Sheriffs) of Members to serve in Parliament: Or, when in Parliament have voted with a *corrupt* Party to the Injury of some of the *Best* Patriots of their Country. I say, if *any* such shall appear, I hope as you value the Reputation of being Citizens of the *Grand Metropolis* of Europe, and would be thought to be the most Dutiful Subjects to the *Greatest*, as well as the *Best* of Queens, you will reject them, as unfit for your Favour. And since you are not barren of Men, of the most consummate Characters, let such a Man have your Vote, as you wou'd not be thought to sully the Memory of that *truly Excellent* Magistrate, whose Vacancy you are now to supply, and in whose Choice you have at all Times had not only *Security*, but the greatest Honour in the Esteem of all good Men. And remember that He is fittest to serve you, that can bestow the *Most* Time in your Service; as cer-

tainly one out of the Chair is best able to do, without robbing you in the Management of the Government of the City.

I shall say no more at present, being prevented by a little Book, this Day come to my Hands, Entitled, *The Display of TYRANNY* Part the 1st. where in Fifteen Pages, you have the Account of the Trial of that Worthy and Eminent Citizen, *Thos. Papillon Esq;* viz. from Page 230 to Page 245; which for your further Satisfaction I shall here abstract, and the rather because of a very False, Malicious and Scandalous Report, to the Prejudice of a very Valuable Gentleman [A Candidate in your Election] I mean Sir *John Buckworth*, who hath been reported to be one of that Jury, when as if I am not misinform'd, he was then in *Turkey*, and not of Age enough, (if here) nor of Principles sufficient to recommend him to that Service.

This Trial commenced at *Guild-hall*, Nov. 6th. 1684. before Sir *G. Jeffries*, Lord Chief-Justice of the *King's Bench* and is as followeth.

MR. *Papillon* having been duly Elected one of the Sheriffs of *London* and *Middlesex*, he brought a Writ of *Mandamus* out of the Court of *King's Bench*, to command the *Mayer* and *Aldermen* to swear him into the Office; that being disobeyed, he is advised by his Council, that he is entituled to an Action at Law for the Wrong done him; he sends in a respectful Way, to the *Mayer* and *Aldermen*, requesting them to give voluntary Appearance to his Action; *T. H. A. T.* being refused, he proceeds by a Legal Process to bring them to answer him at Law: Whereupon Sir *William Pritchard*, being arrested by the *Coroner* of *London*, to whom the *King's Writ* was directed, and detained some Hours, upon his Refusal to give an Appearance to Mr. *Papillon's* Action; Sir *William* brings an Action against him for thus arresting him, and demands 10000 l. Damages, wherein he committed a gross over-sight, for had he ask'd 100000 l. (the usual Damages given in that Day) he had not failed of it, with the following Jury, which tryed the Cause.

<i>Bartholomew Ferryman</i>	<i>John Greene</i>	<i>John Reynolds</i>
<i>Thomas Blackmore</i>	<i>Thomas Ayns</i>	<i>John Allen</i>
<i>Thomas Symonds</i>	<i>Joseph Bagge</i>	<i>Joseph Coker</i>
<i>William Whitton</i>	<i>Daniel Chandler</i>	<i>Will. Wybers Junior</i>

Mr. *Munday* opened the Declaration to this Effect, That the Plaintiff being Lord *Mayer*, and to attend that Office in the diligent Government of

of the City, The Defendant envying the happy Estate of the Plaintiff, and contriving unjustly to disturb him in the Execution of his Office; did to vex him, *(not having any probable Cause of Action against him)* maliciously prosecute the King's Writ out of the Court of King's Bench against him; directed to the Coroner of London, commanding him to take Sir William Pritchard at Mr. Papillon's Suit, in an Action of Trespass; and did procure Mr. John Brome, the Coroner, to arrest him, and that he was detained in Custody Six Hours, to the Disgrace and Scandal of the Plaintiff and of his Office: Whereas in Fact, he had not any just Cause of Action against him, to his Damage 10000 l.

Then the Attorney General told the Jury, That the Action was brought to vindicate the Honour of the Chair, from such Affronts, as these, which in no Age (till our Times of Faction and Confusion) it ever met with: And he said, we shall shew you, that there lay a further Malice in this Case, and that there was a Design in it against the Government: This Design was laid to carry on the great Plot, against the Lives of the King and the Duke; and for Subversion of the Government — The End of this Business was, to have had a Commotion, for the accomplishing their great Conspiracy; but *Parliament Monies*: For after this Tragical Out-cry, their own Witnesses only proved, that Mr. Brome the Coroner, went to my Lord Mayor, and told him that he had a Writ against him, at the Suit of Mr. Papillon, and another at the Suit of Mr. Dubois, and prayed him, that he would please to give an Appearance, and that upon his refusing to do it, his Lordship went in his own Coach to the Coroner's House.

Mr. Serjeant Maynard then offered to the Jury, That my Lord Mayor, if he mistake in his Office, and doth not that which belongs to him to do, he is as much subject to the Process of the Law, as any private Citizen; That the Question they were to try, was, Whether Mr. Papillon had probable Cause of Action against the Mayor; That the Case was thus, Upon the Contest about the Choice of Sheriffs, the Judges of the Election, certify to the Mayor and Aldermen, that Mr. Papillon had most Suffrages, thereupon he conceived himself rightly chosen; and that surely gave him a probable Cause to proceed upon it; and if so, no Doubt he might well take the Course he did: Here is no Arrest without Legal Process; nay their own Witnesses say, there was an Offer to take an Appearance, without an Arrest; but that being refused, the Process of the Law was executed — He had no other Course to take, but to bring his Action against the Mayor: This course he took, Here is a great Deal of Stir made, that a Coroner of London should Arrest my Lord Mayor; he might do it lawfully; doth this prove, that this was maliciously done? Have they proved any particular Discontent and Malice that was between them?

No,

He, the quite contrary appears: *Did he violently arrest him?* That he might do, and no Offence in Law; no, but he did it not, but only desired from Time to Time, that he would give an Appearance, that would have put a Conclusion to this Dispute — Besides, the *Sheriff* having made a Return of Mr. Papillon's Election to the Aldermen; they being of another Opinion, gave Order, that those who thought themselves aggrieved should take their Remedy at Law, which has been pursued in the Regular Course the Law prescribes — Here is a great Noise of Damage, and Disrepute, and Disgrace; and the Plaintiff has been pleased to reckon his own Damages at 10000 l. — We say he has sustained no Damage — The very Court of Aldermen and the Lord Mayor, bidding them take their Course at Law; We, sure shall not be punished for doing it.

Mr. Williams then insisted, that the Plaintiff's Action must fall, if they shewed that it was not Malicious, and that Mr. Papillon had a probable Cause to bring his Action.

Mr. Ward then observed to the Jury, that Mr. Papillon had been greatly reflected upon; That by way of *Crimination* against him, there was a most unjust Reflection, as if he were privy to an intended *Insurrection and Conspiracy* against the King's Life; and procured the Mayor to be Arrested; to promote an *Insurrection*; That this was only insinuated for Reflection sake, and not one Word of any such thing proved: He then added, that the Case before them depended upon this Point; Whether Mr. Papillon had a reasonable Cause or probable Ground to bring an Action against Sir William Pritchard; If so, all that was desired, was only an Appearance; but that would not be given — That the Jury had been told of the great Dangers in the Case, as to the Infringement of the Peace, &c. but had Sir William Pritchard complied with the reasonable and oft repeated Request, of ordering of an Appearance, the Peace of the Kingdom had been in no Peril from such a Design as this Arrest.

Here the Chief Justice told Mr. Ward, (a Person never esteemed to come short of Sir George Jeffries, in any thing but Insolence and Impudence) That he had made a long Speech, and nothing at all to the purpose; and that he did not understand what he was about; and that made him ramble in his Discourse; and did then, in a raving and most impetuous manner, repeat his Expression six or seven times, that Mr. Ward did not understand the Business.

Mr. Browne the Coroner (being called to give an Account of the manner of his Arresting my Lord Mayor) testified; That he had a former Writ in *Hilary Term*, and went to my Lord Mayor, and desired him that he would appear to it, but he said, he would give no Appearance: That he gave his Lordship a Week or Ten Days to consider of it; and then waited upon.

upon him at the Court of Aldermen, and had his Answer, That he had considered of it, and would give an Appearance.

That a little before *Hilary Term*, the Attorney brought him another Writ, and threatned to complain to the Court of him, for neglecting the Execution of Two of the King's Writs: That thereupon he went again to my Lord, and told him that the Writ was renewed, and he was pressed to make a Return; and desired, that his Lordship would please to give an Appearance; and that he told him he was ready to submit to the King's Writ, but would not give an Appearance; and thereupon the Officers named in the Warrant, Arrested him by his Command.

Then Mr. *Crisp* the Common Serjeant (aiming at Alderman Cornish) falls to interrogating Mr. Brome, who were present at the Meeting, when the Arresting the Mayor was agreed upon? He having named Two or Three, the Common Serjeant further pressed him to name others; and then the Chief Justice explained the Common Serjeant's Meaning, by demanding whether Mr. Cornish was there?

Alderman Cornish, and Mr. Serjeant testified, That Mr. Papillon and Mr. Dubois being at the Alderman's House; their Attorney came to them, and told them, that he had addressed himself from Time to Time to my Lord Mayor, to get him to give an Appearance, but he would not; and that thereupon they told him, it was fit the matter should be brought to an Issue; and ordered him to get an Appearance if he could, and to remember that the Lord Mayor was the Chief Magistrate of the City; and that he should carry it with all imaginable Respect and Regard to him.

Here the Chief Justice and Attorney General, made long and extravagant Excursions, ranging upon Alderman Cornish, with Abundance of Questions; wholly foreign to the Matter in Question; and Jefferies told him, that he had as much Cause as any Man to remember the Manner of his own being chosen Sheriff, for several Reasons that he knew. [A plain Indication of what he designed against this honest Gentleman.] And then his Lordship added, that he only asked Things by the By, to satisfy the World what Sort of Men these are, that pretend to Saintship; and with his wonted Blustering Impudence, said, Do you think the Government will ever suffer it self, to be snivelled at, and overthrown By a Company of such Whining Fellows? — Do you think to sham People into Offices? No, I tell you, Villany was the Foundation of it; and Knavery the Superstructure — Neither Bethel, nor that very Fellow that stands there, Cornish, would have taken the Oaths and Sacrament, 'till they found it would contribute to the Design of subverting the Government; then these Rascals could qualify themselves for an Office, only to put the Kingdom into a Flame.

Mr. Gilbert Nelson then testified, that upon the holding up of the Hands, at the Election of Sheriffs the 24th of June 1682. there were up-

on the View, most for Mr. Papillon, and Mr. Dubois; and that upon the casting up the Poll Books, there was the greatest Number for Mr. Papillon. Mr. Waghman added, that in the Poll Books, there were 2400. and odd, for Mr. Papillon and Mr. Dubois.

Mr. Leonard Robinson added, that by the Hands, the Majority was much more for Mr. Papillon and Mr. Dubois, than for the other Two; and the Sheriff did so declare their Opinion; and a Poll being demanded, and granted, after it was closed in the Evening, the Sheriff declared the Numbers upon the Hastings; Mr. Papillon and Mr. Dubois had above Two Thousand, and Mr. North and Mr. Box some Hundreds under Two Thousand.

Mr. Baker testified, that the Action was brought by the Advice of Mr. Wallap, Mr. Pollexfen, and Mr. Thompson.

Then the Chief Justice comes to sum up the Evidence, and after a most tedious Introduction, proceeds to discharge his Spleen thus. Come, Gentlemen, it is best to be plain; Tho' it is true, a Man may lawfully sue for such an Office, and it is no Offence, yet it looks somewhat extraordinary, 'tis for some strange Purpose or other — It is notoriously known, that for several Years the Government has been better, and which is a baser Thing than ever was thought of, or acted in the highest Times of Villany; the very Methods of Justice have been corrupted; and all to serve the main Design of subverting the Government.

Gentlemen, this is, so black a Wickedness, that, no honest Man, that has any Sense of Loyalty, Religion, or common Justice; but must tremble at the very Thoughts of it: When we see such Fellows as are common Reproaches to the Government, shall get into Office, to make Ignoramus Juries — When Men begin to take Oaths to sanctify Villany, what shall we say? And all this you, all of you, Gentlemen, know to be true — Was it not more safe to conspire the Death of the King and his Brother, than to give the least Frown upon one of these swivelling Sains? Did not we know, that Men were sanctified to be Jury-men, that before, were never thought fit to be trusted with the common Society of honest Men?

Mr. Papillon knows all this to be true eminently: When pack'd Juries were grown to that Heighth, that when Seven or Eight Witnesses swore down-right Treason, the Traynor could not by these Men so much as be accused by an Indictment: To that Stupidity in Villany, were Things brought by these Fellows: So were the Proceedings in Courts of Justice tainted, that cropp'd Hair and a demure Look, were the best Signs of a good Evidence.

Gentlemen, There was not a Pursuit of Right in this Case, It was a designed Piece of Villany, on purpose to affront the Government; nay,

to destroy it; and if he were Ten Thousand Times Mr. Papillon, I would tell him so.

It is plain, Gentlemen, that the Design from the Beginning to the End, was to cause a Tumult and Confusion in the City, in Order to put that damned hellish *Conspiracy*, for destroying the King and his Brother, and every Man, that was honest and loyal, in Execution: This, Gentlemen, is *Plain English*.

We all know Mr. Papillon to be a wealthy Man; one that had rather have minded his Affairs, than the expensive Office of *Sheriff*; but that something was to be done, to wreak a damned Malice and Revenge upon the Government — This I tell him openly, and let him and his Party make their Remarks upon it as they please — There was questionless a devilish Malice, fixed in his Heart and Mind; and he wanted an Opportunity to effect it, and he thought it best for his own Security, to take this course, and nothing else was in it. — Alack-a-day, (as Mr. Pilkington said) I am for the Preservation of the Liberties and Properties of the Subject; but I find the City is strangely run down, in their Rights and Priviledges, I will rather take a troublesome Office, than let all run thus, and immediately sets himself a *Cock-a-boop*, as if there were none to take care of the City, but himself — He, and Mr. *Barbel*, and Mr. *Cornish*, forsooth, are the only Men of the Times, the Men; Men for the Liberties of the Subject, and the Rights of the City.

Gentlemen, the Government is infinitely concerned in this Case; that puts a Weight upon your Enquiry into the Damages; your *Severity* in this Case, will deter all People from entering into Clans and Cabals to affront Government.

That I may not further nauseate the Reader with the foul Language and venomous Malice of this Insolent, Arrogant and intolerable Slanderver, I shall transcribe no more of his virulent Discourse, tho' he run on to a strange Length, at a most wicked and infamous Rate of Falseness and Defamations, against the best Men of the City, without any manner of Colour for the Truth of what he said.

The Jury thus directed, found for the Plaintiff, and assessed Damages to 10000*l*.

The Chief Justice said, Gentlemen, you seem to be Persons that have some Sense upon you, and I think have given a good Verdict, and are to be greatly commended for it.

By this extravagant and most unrighteous Verdict, was this upright and wise Citizen, Mr. Papillon, drove into Exile, 'till Heaven vouchsafed him, with the Nation, a most miraculous and happy Deliverance by the Glorious Undertaking of our now Sovereign, then Prince of Orange.